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FORTY-EIGHTH SESSION

Official Records

FIFTH COMMITTEE
48th meeting
held on
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at 10 a.m.
New York

SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. HADID (Algeria)

Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. MSELLE

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The meeting was called to order at 10.35 a.m.

AGENDA ITEM 136: FINANCING OF THE UNITED NATIONS PROTECTION FORCE (continued) (A/48/690 and Corr.1-3)

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(a) UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION (continued) (A/48/844)

1. The CHAIRMAN said that the Committee faced a delicate situation in its consideration of the five peace-keeping items before it, in that the Advisory Committee had not been able to give the reports of the Secretary-General the in-depth consideration requested by the General Assembly, and the question of the legal basis for expenditures in connection with those operations needed to be addressed immediately to ensure their continued functioning. In the circumstances the Committee might wish to provide a commitment authority of one or two months' duration. The Committee would also be aware of the continuing financial crisis, and might wish to allow the Secretariat to issue assessments, on a pro rata basis, for the resources already authorized for the operations in question.

2. Mr. ZEVELAKIS (Greece), speaking on behalf of the European Union, asked when the Advisory Committee's recommendations would be available.

3. Ms. SAEKI (Japan) asked whether it was sufficient to provide a commitment authority, since the Committee had provided commitment authority in respect of operations whose mandates had just expired or were about to expire, yet full apportionment had not taken place, leaving a balance of some $500 million.

4. Mr. FONTAINE-ORTIZ (Cuba) said that his delegation was inclined to support the granting of a commitment authority for one or two months. If the Advisory Committee's reports would be issued soon, one month would suffice. The Committee needed to know when the reports would be available. In connection with the report of the Secretary-General on the United Nations Protection Force (UNPROFOR) (A/48/690), he noted that the annexes to the Spanish text had been issued in English, which was a grave violation of the regulations governing the issuance of documentation in all official languages. His delegation wanted an explanation of how such a step could have been taken.

5. Mr. ZAHID (Morocco) said that his delegation shared the concern at the situation facing the Committee. The legal basis of various peace-keeping operations had come to an end on 28 February, and while he appreciated that the Advisory Committee had a great deal of work, he had hoped that its reports would be available to the Fifth Committee to enable it to consider the items before it. He noted that much of the relevant documentation had been available in January. The Fifth Committee would also soon have to deal with other peace-keeping operations, as well as the question of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. It might expedite matters for the Committee to begin its consideration of the peace-keeping items without waiting for the Advisory Committee's reports, which could then be provided at a later stage, perhaps in informal consultations. Should that not be possible, his delegation would prefer the Committee to grant commitment authority pending the issuance of the Advisory Committee's reports, although such a procedure diminished budgetary control in that the Secretary-General would be provided with authority before ACABQ had made its views known.

6. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee was doing its level best to assist the Fifth Committee in its work. The reports of the Advisory Committee had been delayed by a few days since it had accommodated an urgent request to consider the financing of the United Nations Observer Mission in South Africa (UNOMSA). Unless unforeseen developments prevented it, the Advisory Committee should be in a position to report to the Fifth Committee by the end of the following week on the bigger peace-keeping operations. The Committee would appreciate that the estimates for three of the operations were large and that the reports of the Secretary-General were substantial and complex and, in the case of UNPROFOR, had been almost completely revised by the issuance of corrigenda. The estimates for the United Nations Operation in Mozambique (ONUMOZ) and the United Nations Operation in Somalia (UNOSOM II) had not yet been considered in detail by the Advisory Committee. Once those matters had been dealt with the consideration of peace-keeping operations would be back on track. The report on UNPROFOR would be submitted for processing that afternoon, and the Fifth Committee would have at least two or three reports available to it by the following week.

7. Mr. TAKASU (Controller) said that the Secretary-General was concerned to ensure that the administration of peace-keeping operations proceeded on a sound and legal basis, with secure funding. In fact the cash flow projections for peace-keeping operations were serious. He noted that at the first part of the forty-eighth session the General Assembly had approved commitment authority of some $1.59 billion in respect of 17 peace-keeping operations, of which a balance of some $480 million remained unappropriated, including $417 million relating to the five operations before the Committee. It had been possible to manage the grim cash flow situation only by making troop-contributing countries wait for reimbursement. The United Nations currently owed troop-contributing countries some $350 million, and in order to avoid bankrupting operations might well need to seek to increase that figure, an eventuality that should be avoided if possible.

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8. With regard to the report of the Secretary-General on UNPROFOR, it had been decided to translate only the main part and not all the annexes because of the urgency of the situation. It remained the policy of the Secretariat to issue all documentation in all official languages.

9. The CHAIRMAN said that the Advisory Committee's reports could be available by 14 March, in which case the Committee could consider them in the week of 21 March, in order to allow delegations enough time to examine them.

10. Mr. BOIN (France) asked why, if the Advisory Committee's report on UNPROFOR could be ready by the end of the week, it was necessary for the Fifth Committee to wait until the following week to consider it, since there was no point in waiting until all the all reports were ready before beginning consideration of any. His delegation did not support the generalized use of commitment authorities, since that represented a last resort and an abandonment of budgetary control. He could, however, agree to the granting of a commitment authority in the circumstances facing the Committee, but saw no need for an immediate assessment.

11. The CHAIRMAN said that it would be helpful if the position regarding the UNPROFOR report could be clarified.

12. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the information needed by the Advisory Committee had only just been received, and that its report on UNPROFOR would be submitted later that day for processing. ACABQ would approve its report on ONUMOZ that afternoon, and would submit it for processing the next day. The draft of the UNOSOM report was being prepared, and should be approved that week and be available to the Fifth Committee the week after. The draft of the UNIKOM report would also be approved that week and made available to the Fifth Committee the following week. Finally, the report on ONUSAL, which should not cause any difficulty, should be available by the end of the following week or soon thereafter.

13. Ms. SAEKI (Japan) said that her delegation favoured approving commitment authority with assessment as an exceptional interim measure for the five peace-keeping operations under discussion without waiting for the ACABQ reports. She recalled that the Fifth Committee had yet to appropriate approximately $440 million that had been authorized in December 1993. Her delegation was concerned that the Committee had not yet fully assessed the requirements of other peace-keeping operations that would also be facing cash flow problems by the end of March. She proposed that the Committee should assess on Member States the difference between the level of the commitment authority and the apportionment through March 1994 for all other operations. With regard to the programme of work, her delegation proposed that the Fifth Committee should begin consideration of agenda item 136 on the United Nations Protection Force the following week.

14. Mr. MERIFIELD (Canada) said that he strongly supported the views of the representative of Japan and agreed that the Committee was obligated to provide funds to cover the commitments it had authorized. He sought clarification as to whether ACABQ could issue its reports on the 12 peace-keeping operations and the United Nations Tribunal for the former Yugoslavia by 15 March 1994 so that the Committee could then consider those items. It was regrettable that there was a shortage of funds owing to the failure of some Member States to pay their contributions. However, even if Member States paid all amounts in arrears, an additional assessment would be needed. The Committee should assess the full $450 million which it had authorized the Secretary-General to spend. It was more than reasonable to request a two-month extension of the commitment authority since the Committee would need at least that much time to make a final decision on the financing of the five peace-keeping operations.

15. The CHAIRMAN said he had proposed that the Fifth Committee should postpone consideration of the peace-keeping operations until 21 March so as not to disrupt the work of ACABQ and to ensure that most of the documents and reports were ready when the Fifth Committee met to discuss those items.

16. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that ACABQ was scheduled to complete its session on 31 March 1994. As the Chairman of the Fifth Committee had indicated, if ACABQ were given sufficient time, it should be able to issue most of the documentation for the items which the Fifth Committee was planning to consider from 24 to 31 March. In addition, ACABQ could make up for the days it had lost by considering the United Nations Observer Mission in South Africa (UNOMSA) if it had a period of uninterrupted work.

17. Mr. JADMANI (Pakistan) supported the Chairman's proposal that ACABQ be given an uninterrupted period of time to complete its reports, as he believed to do so would enhance the continuity of the work of the Fifth Committee.

18. Mr. ZAHID (Morocco) said that in the light of the points made by the Chairman of ACABQ, he believed it was advisable to give that Committee time to prepare the reports on the other peace-keeping operations that were to be considered by the Fifth Committee from 24 to 31 March. In the meantime, the Fifth Committee should grant commitment authority for a period of one or two months. If ACABQ could have all reports ready by 31 March, then the Fifth Committee should defer consideration of the peace-keeping operations until that date, when it would have all the necessary documentation at its disposal.

19. Mr. STITT (United Kingdom) said that his delegation believed that in the interests of good order in the financing of the United Nations and the work of the Fifth Committee, the Committee should do everything possible to catch up with the backlog with respect to peace-keeping operations by 31 March. His delegation strongly opposed deferring consideration of peace-keeping operations until the meetings scheduled for April-May. In the circumstances, his delegation hoped that the Secretariat would demonstrate the same commitment as it had shown with respect to the regular budget during the regular part of the forty-eighth session. There should be no higher priority for the Secretariat

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than the conclusion and approval of definitive budgets for current peace-keeping operations.

20. Traditionally, the Fifth Committee had attempted to maintain the practice whereby ACABQ did not meet in parallel with the Fifth Committee, although it had not succeeded in doing so in December 1993 during its efforts to complete its consideration of the regular budget. It was not imperative for the Chairman of ACABQ to be present at the informal meetings of the Fifth Committee devoted to the consideration of individual peace-keeping operations. His delegation believed that the Fifth Committee should meet as required to advance its work. In that regard, he hoped that the Bureau could come up with a schedule of meetings as soon as the first of the ACABQ reports was available in all languages. Finally, he proposed that the Committee should decide forthwith to extend by one month the commitment authority in respect of the five peace-keeping operations. A more far-reaching decision required further documentation to clarify the sums of money needed for the individual operations.

21. Mr. SPAANS (Netherlands) endorsed the views expressed by the representative of Greece. His delegation favoured considering ACABQ reports as they became available, despite the effect that might have on the work programme of ACABQ. The financing of the peace-keeping operations required a sound financial basis which could only be achieved after a thorough examination of the Secretary-General's proposals, first by ACABQ, and then by the Fifth Committee. His delegation did not believe that the Fifth Committee should repeat the kind of decision-making process it had resorted to in December 1993. At present, the Committee had not received sufficient information to enable it to apportion and assess the remaining $400 million that had not been assessed in December 1993, and his delegation would require additional time to reflect on the proposal to extend the commitment authority with respect to the five peace-keeping operations. Before adopting a decision on those operations, it would be useful for the Committee to consider its entire programme of work. Following that, the five peace-keeping operations could be discussed in informal meetings.

22. Mr. BOIN (France) shared the views of the representative of the Netherlands. ACABQ was a subsidiary body of the Fifth Committee and, as such, it should adapt its schedule of meetings to the needs of its parent body. He did not believe that ACABQ was required to interrupt its work each time the Fifth Committee met.

23. With regard to extending commitment authority, the Committee was being asked to provide considerable amounts without a proper review by ACABQ. That could only aggravate an already precarious financial situation. The Committee would complicate its work by considering all 17 peace-keeping operations in the same manner. Some operations were more complex, such as ONUSOM II and UNPROFOR and granting commitment authority to those operations had very different implications than for other, more stable peace-keeping operations. His delegation believed the Committee should take up each ACABQ report as it became available. He asked what documentation would be ready for the other peace-keeping operations which were also scheduled to be considered before the end of March 1994.

24. Ms. SAEKI (Japan) stressed the need to keep the peace-keeping operations functioning and the responsibility of the Fifth Committee to meet its obligation to assess the amounts covered by the commitment authority approved in December 1993.

25. Mr. MUNCH (Germany) said that, in the view of his delegation, the question of cash flow was a serious one that could not be discussed during informal meetings as had been suggested.

26. Mr. FRANCIS (Australia) said that the Committee was obligated to assess the remaining $400 million for which it had given commitment authority in December 1993. With regard to the periods beyond 28 February and 31 March 1994 for the five peace-keeping operations, the Committee had a legal obligation to reimburse peace-keeping contributors for their costs. His delegation favoured an apportionment for all 17 peace-keeping operations covering a period of two or three months.

27. The CHAIRMAN proposed that, in order to expedite the Committee's work, the Committee should aim to meet within 48 hours of the issue of major reports to consider such reports, provided that delegations had received the necessary instructions from their capitals.

28. It appeared, from the discussion, that there were two different approaches to the financing of the five peace-keeping operations. The first was to appeal to the patience of troop-contributing countries and to provide the Secretary-General with the legal authority to implement the peace-keeping mandates given by the Security Council, but not to provide any assessment. The other approach was to provide the legal authority and an assessment for a limited but reasonable period in order to allow for the continuous and smooth functioning of the peace-keeping operations and to permit the Committee and ACABQ to review their budgets thoroughly without undue time constraints. He appealed to those delegations which had difficulty with the procedure of approving a commitment authority and assessment to show greater flexibility.

29. Mr. SPAANS (Netherlands) said that, although the commitment authority had expired, in view of the number of proposals before the Committee, it was in the interest of all to allow some time for reflection on the matter in informal consultations.

30. Ms. ROTHEISER (Austria) said that it might be possible for some Member States to make advance payments on their assessments in order to provide the necessary funding for the short term.

31. Ms. SHENWICK (United States of America) said that her delegation could support extension of the commitment authority for those peace-keeping operations in respect of which it had expired, but it would prefer to treat each operation separately. Her delegation also would prefer to deal with the matter in informal consultations.

32. The CHAIRMAN said that he would take it that the Committee wished to continue its consideration of the matter in informal consultations.

33. It was so decided.

AGENDA ITEM 159: FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 (continued) (A/C.5/48/36, 44 and 68)

34. The CHAIRMAN drew attention to General Assembly decision 48/461, by which the Committee was required to consider the question of the mode of financing of the International Tribunal and the conditions of service and allowances of the members of the Tribunal.

35. Mr. ZEVELAKIS (Greece), speaking on behalf of the European Union, supported by Ms. SHENWICK (United States of America), said that the General Assembly should reach a decision on all aspects of the International Tribunal no later than 31 March 1994. Because of the urgency of the matter, as stressed in the letter from the President of the International Tribunal (A/C.5/48/68), all documentation should be prepared in a timely manner.

36. Mr. TAKASU (Controller) said that in his submission to the General Assembly at its forty-eighth session, the Secretary-General estimated the Tribunal's requirements for 1994-1995 at $32.5 million. No provision had been made for court and detention facilities and their operating costs, but the Secretary-General's report (A/C.5/48/44) had recognized that such requirements would arise and would be addressed in the context of the revised estimates at the forty-ninth session. ACABQ had recommended that, pending a final decision by the General Assembly on the mode of financing of the Tribunal, the Secretary-General should be authorized to enter into commitments not exceeding $5.6 million for the first six months of 1994. That recommendation had been adopted by the General Assembly without prejudice to further recommendations and the decision on administrative matters, staffing levels and conditions of service.

37. At its second session, the Tribunal had adopted its rules of procedure and evidence. At its next session, scheduled for 25 April to 6 May, the internal functioning of the Tribunal, servicing of the chambers by the Registrar and modalities for organizing and holding trials would be discussed. The judges had been assisted by four secretaries, and the Deputy Prosecutor had taken office on 15 February. The Acting Registrar had taken up his duties on 6 January, in addition to two legal officers, one computer operations officer, five General Service staff and seven Security Officers.

38. In the report submitted to the General Assembly in 1993, the assumption had been that a courtroom and detention cells would not be required before 1995, but it was now anticipated that trials could begin as early as July 1994. Discussions had taken place on the question of building a courtroom and holding cells and the necessary security measures, and the consultations were being

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finalized. Based on the latest information, the estimated expenditure over six months would fall within the amount authorized by the General Assembly.

39. The CHAIRMAN said that the Committee would include that item in its programme of work for the resumed session, on the understanding that both the revised estimates and the related ACABQ reports would be ready and that the Committee wished to consider all matters relating to that item at the same time.

40. Mr. JADMANI (Pakistan) said that his delegation attached great importance to the early and continuous functioning of the International Tribunal and appealed to the Secretariat to make every effort to ensure that the documentation would be available for consideration at the earliest possible date.

AGENDA ITEM 127: SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS (continued)

41. The CHAIRMAN proposed that, in accordance with General Assembly resolution 48/223, the Committee should establish an ad hoc working group to study the implementation of the principle of capacity to pay as the fundamental criterion for determining the scale of assessments.

42. It was so decided.

The meeting rose at 12.45 p.m.